

A REPORT TO
THE HONORABLE TERENCE R. McAULIFFE, GOVERNOR,
AND
THE GENERAL ASSEMBLY OF VIRGINIA

ROANOKE RIVER BASIN BI-STATE COMMISSION
2015 ANNUAL REPORT

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Roanoke River Basin Bi-State Commission

Executive Summary

The Roanoke River Basin Bi-State Commission was established in the executive branch of state government. Duties and powers of the Roanoke River Basin Bi-State Commission are pursuant to Virginia Code §§ [62.1-69.37](#) and [62.1-69.39](#).

This report, which is required by Virginia Code § [62.1-69.44](#), provides information regarding the Roanoke River Basin Bi-State Commission's activities during the 2014- 2015 fiscal year. The Bi-State Commission meets throughout the Roanoke River Basin, alternating states, in an effort to make the meetings available to all Basin constituents. The Bi-State Commission met on December 18, 2014 at the Perry Memorial Library in Henderson, North Carolina.

The meeting included reports from the North Carolina delegation and the Virginia Roanoke River Basin Advisory Committee. The topics involved were the Duke Energy coal ash spill, interbasin transfer request from Kerr Lake Regional Water System, Section 216 Study of the Kerr Dam and Reservoir, and the Virginia State Water Resources Plan. Additionally, presentations were given regarding an update on the Dan River coal ash spill and plans for other coal ash basins in North Carolina and restoration projects on the Roanoke River funded by Duke Energy. Neither the standing committees nor the ad hoc committee met in 2015. No specific recommendations were made and a next meeting is to be determined. Further details of the Virginia Delegation's work can be found on the Virginia Roanoke River Basin Advisory Committee's [website](#).

This constitutes the Chairman's executive summary of activity and work of the advisory committee, pursuant to Virginia Code § [62.1-69.35:2](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas C. Wright, Jr.", with a stylized, cursive script.

Delegate Thomas C. Wright, Jr.

Chairman, Roanoke River Basin Bi-State Commission

Introduction

The Roanoke River Basin Bi-State Commission (RRBBC) is composed of members from the Commonwealth of Virginia and the State of North Carolina. Pursuant to Va. Code § [62.1-69.37](#), the purpose of the Bi-State Commission is to:

“Provide guidance, conduct joint meetings, and make recommendations to local, state, and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the [Roanoke River] Basin's water and other natural resources;

Provide a forum for discussion of issues affecting the Basin's water quantity, water quality, and other natural resources;

Promote communication, coordination, and education among stakeholders within the Basin;

Identify Basin-related problems and recommend appropriate solutions; and

Undertake studies and prepare, publish, and disseminate information through reports, and other communications related to water quantity, water quality, and other natural resources of the Basin.”

Organization

At the time of the December 18, 2014 meeting, Larry Yarborough from North Carolina was Chairman of the Bi-State Commission, Delegate Tommy Wright (VA) was 1st Vice Chair, and Senator Angela Bryant (NC) was 2nd Vice Chair. By-Laws, adopted in August 2009, provide for the Chair to rotate annually between Virginia and North Carolina. Delegate Tommy Wright of Virginia assumed the Chair as of April 21, 2015, which will be confirmed at the next RRBBC meeting. Senator Angela Bryant of North Carolina will become 1st Vice Chair and a Virginia member will be appointed to 2nd Vice Chair.

Current Membership of RRBBC

Virginia Code § [62.1-69.38](#) of the Code of Virginia establishes membership on the Bi-State Commission as follows:

“The Commission shall be composed of 18 voting members that include nine members representing the Commonwealth of Virginia and nine members representing the State of North Carolina. The Virginia delegation shall consist of the six legislative members appointed to the Virginia Roanoke River Basin Advisory Committee, and three nonlegislative citizen members appointed to the Virginia Roanoke River Basin Advisory Committee, who represent different geographical areas of the Virginia portion of the Roanoke River Basin, to be appointed by the Governor of Virginia.”

The nonlegislative members are recommended by the Virginia Roanoke River Basin Advisory Committee and appointed by the Governor. Legislative members are appointed by the Governor. The North Carolina delegation is appointed in a similar fashion. Tim Pace was appointed to the

Virginia Delegation in February 2015. No other appointments have been made over the past year.

There are currently 17 members on the Bi-State Commission, nine from Virginia and eight from North Carolina. A list of current members is provided below.

Virginia

Senator William Stanley
Senator Frank Ruff
Delegate James Edmunds II
Delegate Thomas Wright, Jr.
Delegate Charles Poindexter
Delegate Sam Rasoul
John H. Feild, nonlegislative member*
Haywood J. Hamlet, nonlegislative member
Tim Pace, nonlegislative member

North Carolina

Representative Susan Martin
Representative Bert Jones
Representative Bryan Holloway
Senator Angela Bryant
Senator Shirley Randleman
Nate Hall, nonlegislative member
Larry Yarborough, nonlegislative member*
Chuck Peoples, nonlegislative member

*John Feild, of the Virginia Delegation, and Larry Yarborough, of the North Carolina Delegation, will be replaced as nonlegislative members on the RRBBC. Mr. Feild resigned from his position during a July 29, 2015 Virginia Roanoke River Basin Advisory Committee meeting. Representative Yarborough was elected to the N.C. House of Representatives, and thus is no longer is able to hold a nonlegislative seat. Appointments will be recommended at the next RRBBC meeting.

Standing and Ad Hoc Committees

Pursuant to Va. Code § [62.1-69.40](#), the Bi-State Commission has four legislated standing committees: Permit holders; Roanoke River Basin interest groups; Public officials and government entities; and Agriculture, forestry, and soil and water conservation districts. Pursuant to the enabling legislation, the Bi-State Commission must establish the above-mentioned standing committees, but may also establish other standing and ad hoc committees the Bi-State Commission deems necessary and appropriate. In 2009, the Bi-State Commission created the Water Allocation Ad Hoc Committee to develop alternatives for allocating water supply storage from Kerr Reservoir. Neither the standing committees nor the ad hoc committee met in 2015.

Meetings and Locations

The Bi-State Commission met on December 18, 2014 at the Perry Memorial Library in Henderson, North Carolina. Presentations were given by North Carolina Department of Environment and Natural Resources (NCDENR) staff on the Dan River coal ash spill and the Kerr Lake Regional Water System (KLRWS) interbasin transfer (IBT) request. Related to the coal ash spill, surface water and groundwater monitoring is ongoing to ensure conditions in the Dan River are not in violation of current water quality standards. A discussion surrounding the KLRWS IBT request led to an outline of the project schedule. Once an Environmental Assessment is completed, the project becomes open to public comment. NCDENR then compiles and reviews all comments in preparation for a final determination by the North Carolina Environmental Management Commission (EMC). The final determination on the KLRWS IBT request is still pending and will be reviewed again at the next EMC meeting in November 2015. An additional agenda item was added to present restoration projects being completed within the Roanoke River Basin in response

to the Duke Energy coal ash spill. Discussions were held following each presentation. The committee made no formal recommendations. The draft minutes are included in Appendix B.

Appendix A – Meeting Minutes as prepared by North Carolina Department of Environment and Natural Resources

NC Delegation of the Roanoke River Basin Bi State Commission (RRBBC)
Perry Memorial Library, Henderson, NC
(DRAFT) Summary of Minutes from December 18, 2014 Meeting

RRBBC members present:

Larry Yarborough (chair),
Chuck Peoples,
Senator Joyce Krawiec,
Senator Frank Ruff,
Delegate Tommy Wright,
Haywood Hamlet, and
Tim Pace

North Carolina Department of Environment and Natural Resources (NCDENR) – Division of Water Resources (DWR) Staff present:
Harold Brady, Tom Fransen, Linwood Peele, Kim Nimmer, and Sherri Knight.

Virginia Department of Environmental Quality (DEQ) staff present:
Scott Kudlas, Tammy Stephenson, Brian McGurk, and Curt Thomas

Other attendees:

Gene Adesso, Al Zimmerman, Read Charlton, Bob Jean, Christopher Blakeman, William Lindenmuth, Jerry Lovelace, Andrew Lester and the Roanoke River Basin Association;

Chairman Yarborough called the meeting to order. He welcomed the group to the meeting and called for introductions around the room. Chairman Yarborough then provided a summary of the delegation meeting from earlier that day. This included an update on the Duke Energy coal ash spill, a discussion of the interbasin transfer proposal with the Army Corps of Engineers, and a brief on the Section 216 Study of the Kerr Dam and Reservoir. Mr. Pace, chairman of the Virginia delegation, then provided a similar summary of the VA Committee meeting from earlier that day. The discussion included a VRRBAC letter advocating the Army Corps of Engineers to finish the Section 216 study as well as a DEQ presentation on the Virginia State Water Resources Plan and the cumulative impact analysis of the Roanoke River Basin.

Tom Fransen provided an update on the Dan River coal ash incident as well as plans for other coal ash basins around North Carolina. The current list of all known electric power plant related coal ash basins was presented and discussed as it relates to the recent Session Law 2014-122. Following this recent legislation it is estimated that approximately 800 groundwater monitoring wells will need to be established to assess any potential groundwater contamination issues from the coal ash ponds around North Carolina.

Recent surface water (chemical and biological), groundwater, and sediment sampling efforts have found conditions in the Dan River to not be in violation of current water quality or toxicity standards. Mr. Fransen noted that current groundwater monitoring at the Dan River site involves

four wells within 0.5 mile of the facility. In addition, recent surface water sampling in the Dan River has noted improved biological conditions as compared to previous years.

Several members asked about the timeframe for removal of all ash from the storage basins at the Dan River site and how long the associated surface and groundwater monitoring will continue. Mr. Fransen responded that according to information he has received, Duke Energy will commence with removal activities to lined landfills within 12 months following the issuance of required permits. Mr. Addesso asked if the current monitoring reports are available to the public. NCDENR staff confirmed that some, if not all, of the current monitoring reports are available at the NCDENR website (<http://www.ncdenr.gov>).

Sherri Knight, from the NCDENR Winston-Salem Regional office, responded to a question regarding any natural sources of Aluminum, Iron, and Magnesium in the soils of the Dan River basin. She noted that high levels of these elements were identified during surface water quality testing conducted in the river basin prior to the coal ash incident. Mr. Addesso remarked that sediment sampling was needed to determine the long-term impact coal ash constituents, such as Selenium, might have on the aquatic ecosystem of the Dan River.

Another question was raised by the membership as to why the lined landfill in Jietersburg, VA was selected for the disposal of the existing coal ash at the Duke Energy Dan River site. It was unknown specifically why the site was selected; however, several of the attendees presumed it was due to many factors including proximity to railroad, landfill size, and conditions of landfill. This led into a discussion of the current litigation involving Duke Energy, NCDENR, and EPA. Mr. Addesso explained that several environmental/advocacy organizations had jointly filed an injunction in the case and the judge ruled that the organizations could be a party to the suit. Currently, the case is in the “discovery phase” with no specific deadline as to when the next phase of the lawsuit will commence.

The meeting then proceeded to a discussion of the proposed Kerr Lake Regional Water System (KLRWS) Interbasin Transfer (IBT) request. Harold Brady provided a synopsis on the proposal, including background on what constitutes an IBT, the current proposal by KLRWS, and the approval process. KLRWS currently has a grandfathered IBT of 10 million gallons per day (mgd), based on a maximum daily volume, and has proposed to increase that to 14.2 mgd, based on an average daily volume calculated over a maximum month. This request necessitates approval of an IBT Certificate from the Environmental Management Commission (EMC) following a full assessment of the effects of such a request.

Several members asked if the Environmental Assessment (EA) document includes hydrologic modeling results of the impact to downstream flows and uses. NCDENR staff indicated that the document fully evaluates the current and projected downstream flows at all nodes in the model. Additionally, the model provides projected impacts to Kerr Lake and other downstream lake levels.

Questions regarding the extent of the KLRWS service area and the associated requested transfer were raised. Significant discussions and clarifications were deliberated related to the IBT. Another question was raised regarding the current interbasin transfer volumes conducted by KLRWS. After

reviewing the EA document, Tom Fransen was able to respond that in 2013 the average daily volumes transferred were approximately 6 to 7 mgd. This led to a short discussion of need. NCDENR staff noted that demand projections are included in the EA documentation. This led to the question of whether the existing water loss and efficiency of the water system is considered by the EMC when approving an increase in IBT volumes. NCDENR staff noted that this information is in the EA document.

A schedule of the IBT process was presented, which KLRWS will be required to follow. Based on this schedule, the EA document should be available for public review sometime in January, followed by a public hearing in March or April, and the final determination by the EMC during their May meeting. Harold Brady then stressed that all comments should follow the factors identified in the “findings of fact” part of the statute, which assists the EMC in fully considering all effects, both positive and negative, of the proposed transfer. Mr. Pace proposed that the determination of the IBT proposal should be discussed at the next meeting.

On the request of Gene Adesso, the Commission then took up an additional agenda item regarding information related to the restoration response to the coal ash incident, and efforts to improve conditions on the Roanoke River itself. These projects will be funded by Duke Energy through their recently announced grant funding program of 10 million dollars for projects within the basin and across North Carolina. The proposals will involve a litany of stakeholders and partners.

To conclude, the Commission discussed that Mr. Yarborough has served his term at chair and that Mr. Pace would be succeeding him as chair of the Roanoke River Basin Bi-State Commission. The decision of when the next meeting would occur was not determined; however, an early spring time frame was discussed. A location for that meeting would be determined at that time.

As there was no further business to discuss, the meeting was adjourned.

Appendix B - Chapters 5.4 and 5.5 of Title 62.1 of the Code of Virginia

Chapter 5.4

§ 62.1-69.34. Virginia Roanoke River Basin Advisory Committee established; purpose; membership; terms; meetings.

A. The Virginia Roanoke River Basin Advisory Committee, hereinafter referred to as the "Committee," is hereby established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. The Committee shall assist the delegation in fulfilling its duties and carrying out the objectives of the Commission, pursuant to § [62.1-69.39](#). The advisory committee shall be composed of 23 members as follows: two members of the Senate, whose districts include a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Senate Committee on Rules; four members of the House of Delegates, whose districts include a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member at large appointed by the Senate Committee on Rules; one nonlegislative citizen member at large appointed by the Speaker of the House of Delegates; 11 nonlegislative citizen members selected by the legislative members of the advisory committee such that two are chosen from recommendations of each of the following: the Central Virginia Planning District Commission, the West Piedmont Planning District Commission, the Southside Planning District Commission, the Piedmont Planning District Commission, and the Roanoke Valley Alleghany Planning District Commission; and one member selected by the legislative members of the advisory committee from among recommendations submitted by the New River Valley Planning District Commission; and the Virginia member of the United States House of Representatives, whose district includes the largest portion of the Basin, or his designee, and three representatives of the State of North Carolina appointed in a manner as the General Assembly of North Carolina may determine appropriate. Except for the representatives of North Carolina, all nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. The Virginia member of the United States House of Representatives, the members of the Virginia General Assembly, and the representatives of North Carolina shall serve ex officio without voting privileges. Of the recommendations submitted by planning district commissions authorized to recommend two members, one member shall be a nonlegislative citizen who resides within the respective planning district. However, the New River Valley Planning District Commission may recommend either one nonlegislative citizen at large who resides within the planning district or one member, who at the time of the recommendation, is serving as an elected member or an employee of a local governing body, or one member of the board of directors or an employee of the planning district commission. All persons recommended by the planning district commissions to serve as members of the advisory committee shall reside within the Basin's watershed, represent the diversity of interests in the jurisdictions comprising the respective planning district commissions, and demonstrate interest, experience, or expertise in water-related Basin issues.

B. State and federal legislative members and local government officials appointed to the advisory committee shall serve terms coincident with their terms of office. Nonlegislative

citizen members appointed by the Senate Committee on Rules and the Speaker of the House of Delegates to serve on the advisory committee, and ex officio members representing the State of North Carolina shall serve a term of two years. Initially, planning district commissions authorized to recommend two nonlegislative citizen members to the advisory committee shall recommend one member for a term of two years and one member for a term of one year. However, the nonlegislative citizen member recommended to serve on the advisory committee by the New River Valley Planning District Commission shall serve a term of one year. After the initial staggering of terms, the term of office of nonlegislative citizen members recommended by the planning district commissions shall be for two years. Nonlegislative citizen members recommended by planning district commissions shall be eligible for reappointment, if such members shall have attended at least one-half of all meetings of the Commission during their current term of service. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment.

The advisory committee shall elect a chairman and a vice-chairman from among its voting members. A majority of the voting members shall constitute a quorum. The meetings of the advisory committee shall be held at the call of the chairman or whenever the majority of the voting members so request.

§ 62.1-69.35. Compensation and expenses.

Legislative members of the advisory committee shall receive such compensation as provided in § [30-19.12](#) and non-legislative members shall receive such compensation for the performance of their duties as provided in § [2.2-2813](#). All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#) and [2.2-2825](#). Funding for the costs of compensation and expenses of members shall be paid from such funds as may be provided to the Department of Environmental Quality in the appropriations act for this purpose.

§ 62.1-69.35:1. Staffing.

The Department of Environmental Quality shall provide staff support to the advisory committee. All agencies of the Commonwealth shall provide assistance to the advisory committee, upon request.

§ 62.1-69.35:2. Chairman's executive summary of activity and work of the advisory committee.

The chairman of the advisory committee shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the advisory committee no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Chapter 5.5

§ 62.1-69.36. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Basin" means the Roanoke River Basin.

"Roanoke River Basin" means that land area designated as the Roanoke River Basin by the Virginia State Water Control Board, pursuant to § [62.1-44.38](#), and the North Carolina Department of Environment and Natural Resources.

§ 62.1-69.37. Roanoke River Basin Bi-State Commission established; purpose.

The Roanoke River Basin Bi-State Commission is hereby established as a bi-state commission composed of members from the Commonwealth of Virginia and the State of North Carolina and hereinafter referred to as the Commission. The Commission shall:

1. Provide guidance, conduct joint meetings, and make recommendations to local, state and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the Basin's water and other natural resources;
2. Provide a forum for discussion of issues affecting the Basin's water quantity, water quality, and other natural resources;
3. Promote communication, coordination and education among stakeholders within the Basin;
4. Identify Basin-related problems and recommend appropriate solutions; and
5. Undertake studies and prepare, publish, and disseminate information through reports, and other communications, related to water quantity, water quality and other natural resources of the Basin.

§ 62.1-69.38. Membership; terms.

A. The Commission shall be composed of 18 voting members that include nine members representing the Commonwealth of Virginia and nine members representing the State of North Carolina. The Virginia delegation shall consist of the six legislative members appointed to the Virginia Roanoke River Basin Advisory Committee, and three nonlegislative citizen members appointed to the Virginia Roanoke River Basin Advisory Committee, who represent different geographical areas of the Virginia portion of the Roanoke River Basin, to be appointed by the Governor of Virginia. The North Carolina delegation to the Commission shall be appointed as determined by the State of North Carolina. All members appointed to the Commission by the Commonwealth of Virginia and the State of North Carolina shall reside within the Basin's watershed. Members of the Virginia House of Delegates and the Senate of Virginia, the North Carolina House of Representatives and Senate, and federal legislators, who have not been appointed to the Commission and whose districts include any portion of the Basin, shall serve as nonvoting ex officio members of the Commission.

B. Legislative members of the Virginia delegation, federal legislators, and local government officials, whether appointed or ex officio, shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed to serve two-year terms, unless the member is reappointed by the appointing authorities of each state. Appointments to fill

vacancies, other than by expiration of a term, shall be made for the unexpired terms.

Vacancies shall be filled in the same manner as the original appointment.

C. Each state's delegation to the Commission may meet separately to discuss Basin-related issues affecting their state, and may report their findings independently of the Commission.

A majority of the voting members shall constitute a quorum.

§ 62.1-69.39. Roanoke River Basin Bi-State Commission powers and duties.

A. The Commission shall have no regulatory authority.

B. To perform its duties and objectives, the Commission shall have the power to:

1. Develop rules and procedures for the conduct of its business or as may be necessary to perform its duties and carry out its objectives, including, but not limited to, selecting a chairman and vice-chairman, rotating chairmanships, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this subdivision shall be effective upon an affirmative vote by a majority of the Commission members;
2. Establish standing and ad hoc advisory committees, which shall be constituted in a manner to ensure a balance between recognized interests. The purpose of each advisory committee shall be determined by the Commission;
3. Seek, apply for, accept and expend gifts, grants and donations, services and other aid from public or private sources. With the exception of funds provided by the planning district commissions and funds appropriated by the General Assemblies of Virginia and North Carolina, the Commission may accept funds only after an affirmative vote by a majority of the members of the Commission or by following such other procedures as may be established by the Commission for the conduct of its business;
4. Establish a nonprofit corporation to assist in the details of administering its affairs and in raising funds;
5. Enter into contracts and execute all instruments necessary or appropriate; and
6. Perform any lawful acts necessary or appropriate for the furtherance of its work.

§ 62.1-69.40. Standing and ad hoc committees.

To facilitate communication among stakeholders in the Roanoke River Basin, and to maximize participation by all interested parties, the Commission shall establish both standing and ad hoc committees. The Commission shall appoint the members of the standing and ad hoc committees, in accordance with guidelines adopted by the Commission. The standing committees shall include, but not be limited to, the following:

1. Permit holders. The Commission shall identify those entities that hold permits issued by a federal, state or local regulatory agency pertaining to the water of the Basin. Such entities may recommend a representative to be appointed to the committee by the Commission;
2. Roanoke River Basin interest groups. The Commission shall identify interest groups that may recommend a representative to be appointed to the committee by the Commission;
3. Public officials and government entities. The committee shall be composed of representatives of each county, city and town located completely or partially within the Basin, and any other governmental entities that the Commission deems appropriate may recommend one member to be appointed to the committee by the Commission. The committee may also include the U.S. Senators from Virginia and North Carolina or their designees, and any member of the U.S. House of Representatives or his designee, whose

district includes any portion of the Basin, if such members elect to serve on the committee; and

4. Agriculture, forestry and soil and water conservation districts. The Commission shall identify persons who represent agricultural and forestry interests throughout the Basin and representatives from the soil and water conservation districts within the Basin and shall appoint representatives from these groups to the committee.

§ 62.1-69.41. Staffing and support.

The Virginia Department of Environmental Quality and the North Carolina Department of Environment and Natural Resources shall provide staff support to the Commission. Additional staff may be hired or contracted by the Commission through funds raised by or provided to it. The duties and compensation of such additional staff shall be determined and fixed by the Commission, within available resources. All agencies of the Commonwealth of Virginia and the State of North Carolina shall cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its responsibilities. The Virginia Secretary of Natural Resources and the North Carolina Secretary of the Department of Environment and Natural Resources or their designees shall each serve as the liaison between their respective state agencies and the Commission.

§ 62.1-69.42. Funding.

A. The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses. Funding for the Commission shall be shared and apportioned between the Commonwealth of Virginia and the State of North Carolina. The appropriation of public funds to the Commission shall be provided through each state's regular process for appropriating public funds. The Virginia planning district commissions within the Basin shall bear a proportion of Virginia's share of the expenses, which may be in the form of in-kind contributions.

B. The Commission shall designate a fiscal agent.

C. The accounts and records of the Commission showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Virginia Auditor of Public Accounts and the North Carolina State Auditor prescribe, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by similar enterprises. The accounts and records of the Commission shall be subject to an annual audit by the Virginia Auditor of Public Accounts and the North Carolina State Auditor or their legal representatives, and the costs of such audit services shall be borne by the Commission. The results of the audits shall be delivered to the appropriate legislative oversight committees in each state.

§ 62.1-69.43. Compensation and expenses.

A. Legislative members of the Virginia delegation to the Commission shall receive such compensation as provided in § [30-19.12](#), and non-legislative members shall receive such compensation for the performance of their duties as provided in [§ 2.2-2813](#). All voting members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#) and [2.2-2825](#). However, all such expenses shall be paid from existing appropriations and funds provided to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

Members of the Virginia House of Delegates and the Senate of Virginia, and members of the Virginia Congressional delegation, who have not been appointed to the Commission, whose districts include any portion of the Basin, and who serve as nonvoting ex officio members of the Commission shall serve without compensation and expenses.

Nonlegislative citizen members appointed to any standing committees or ad hoc committees shall serve without compensation and expenses.

B. The North Carolina members of the Commission shall receive per diem, subsistence, and travel expenses as follows:

1. Ex officio legislative members who are members of the General Assembly at the rate established in North Carolina G.S. 138-6;
2. Commission members who are officials or employees of the State or of local government agencies at the rate established in North Carolina G.S. 138-6; and
3. All other members at the rate established in North Carolina G.S. 138-5.

§ 62.1-69.44. Annual report required.

The Commission shall submit an annual report, including any recommendations, to the Governor and General Assembly of Virginia and the Governor and General Assembly of North Carolina.

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